

08-11-04

PTO/SB/30 Revised (5/20/00)

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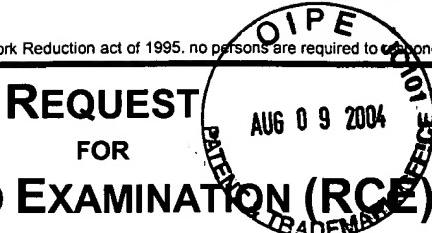
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**REQUEST
FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA).

AUG 09 2004



Application Number	09/728,420
Filing Date	November 28, 2000
First Named Inventor	Yoshinaga
Group / Art Unit	1644
Examiner Name	Gambel, Phillip
Attorney Docket No.	A-579C

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provision of the AIPA. See Changes to Application Examination and Provisional Application Practice Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

- a. Previously submitted
 - i. Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered).
 - ii. Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
 - iii. Other _____
- b. Enclosed
 - i. Amendment/Reply
 - ii. Affidavit(s)/Declaration(s)
 - iii. Information Disclosure Statement (IDS)
 - iv. Other _____

2. Miscellaneous

- a. Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. Other _____

3. Fees The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. The Commissioner is hereby authorized to charge the following fees, or credit any overpayments to Deposit Account No. 01-0519
 - i. RCE fee required under 37 C.F.R. § 1.17(e) in the amount of \$770.00.
 - ii. Extension of time fee (37 C.F.R. §§ 1.136 and 1.17) in the amount of \$_____. If an additional extension of time is required, please consider this a request therefor.
 - iii. Other _____
- b. Check in the amount of \$_____ is enclosed
- c. Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT REQUIRED

NAME (Print/Type)	Robert B. Winter	Registration No. (Attorney/Agent)	34,458
SIGNATURE		Date:	August 9, 2004

EXPRESS MAIL CERTIFICATION OF MAILING, EV 35133948 US

I hereby certify that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated below and addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

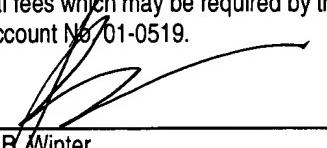
NAME (Print/Type)	<u>S.L. St. Andrew</u>		
SIGNATURE		Date:	9 AUG 2004

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND FEES and Completed Forms to the following address: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

08/12/2004 AMENDAF1 00000090.010519 09728420

01 FC:1801 770.00 DA

02 FC:1201 774.00 DA

FEE AUTHORIZATION / AMENDMENT TRANSMITTAL LETTER				Attorney's Docket No: A-579C		
Serial No. 09/728,420	Filing Date November 26, 2004	Examiner Gambel, Phillip	Group Art Unit 1644			
In Re Application of Yoshinaga, et al.						
For Polypeptides Involved in Immune Response						
AUG 09 2004 <i>SEARCHED INDEXED SERIALIZED FILED</i>						
TO THE COMMISSIONER FOR PATENTS:						
<input checked="" type="checkbox"/> Applicant(s) request(s) the following extension of time under 37 CFR 1.136(a):						
<input type="checkbox"/> One month of original due date (\$110.00) <input type="checkbox"/> Two months of original due date (\$420.00) <input type="checkbox"/> Three months of original due date (\$950.00) <input type="checkbox"/> Four months of original due date (\$1,480.00) <input checked="" type="checkbox"/> Five months of original due date (\$2,010.00)						
<input checked="" type="checkbox"/> An RCE response in connection with the matter for which this extension is requested:						
<input checked="" type="checkbox"/> is filed herewith. <input type="checkbox"/> has been filed. <input type="checkbox"/> The response is the filing of a continuing prosecution application, the prior application having an express abandonment conditioned on the granting of a filing date to the continuing application.						
<input type="checkbox"/> The accompanying papers include amended claims for which no additional fee is required.						
<input checked="" type="checkbox"/> The accompanying papers include amended claims the fee for which has been calculated as follows:						
CLAIMS AS AMENDED						
(1)	(2) Claims remaining After amendment	(3)	(4) Highest number Previously paid for	(5) No. of Extra claims present	(6)	(7) Additional Fee
Total Claims	44	Minus	94 =	0	x \$18	= \$ 0.00
Indep. Claims	18	Minus	9 =	9	x \$86	= 774.00
<input type="checkbox"/> First Appearance of a multiple dependent claim					+ \$290	= 0.00
					Total Additional Fee for this Amendment	
\$774.00						
<small>* If the entry in column 2 is less than the entry in column 4, write "0" in column 5. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space. *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col 1. of a prior amendment or the number of claims originally filed.</small>						
<input type="checkbox"/> The following other fees are incurred by the accompanying papers. <input type="checkbox"/> Other: _____						
Please charge Deposit Account No. 01-0519 in the name of Amgen Inc. in the amount of \$ <u>774.00</u> . A duplicate copy of this petition is attached.						
<input checked="" type="checkbox"/> If an additional extension of time is required, please consider this a request therefore. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required by the accompanying papers, or credit any overpayment to Deposit Account No 01-0519.						
<u>Please Send Future Correspondence To:</u> US Patent Operations/RBW Dept. 4300, M/S 27-4-A AMGEN INC. One Amgen Center Drive Thousand Oaks, California 91320-1799						
 Robert B. Winter Attorney/Agent for Applicant(s) Registration No.: 34,458 Phone: (805) 447-2425 Date: August 9, 2004						

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Date of Deposit: August 9, 2004

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SL. St. Andrew

Printed Name

SL. St. Andrew

Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Yoshinaga, et al.

Serial No.: 09/728,420

Filed: November 28, 2000

For: Polypeptides Involved in Immune Response

Docket No.: A-579C



Group Art Unit No.: 1644

Examiner: Gambel, Phillip

**REQUEST FOR CONTINUED EXAMINATION
PURSUANT TO 37 CFR 1.114(b)**

MAIL STOP RCE
Commissioner for Patents
P.O. 1450
Alexandria, VA 22313-1450

Sir:

This response to the Advisory Action dated June 3, 2004 is accompanied by a Request for Continued Examination (RCE) pursuant to 37 CFR 1.114(b). The period for reply has been extended five months by the Petition for Extension of Time and Fee Authorization filed concurrently herewith.

Please amend this application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.
Remarks begin on page 8 of this paper.

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S.L. St. Andrew
Printed Name

S.L. St. Andrew
Signature